

DOE/RFO
CORRESPONDENCE
INCOMING LETTER

94 DOE 01652

SCHASSBURGER

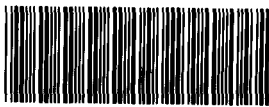
ACTION 2/22/94

DUE DATE

TR NC
SILVERMAN W.N. ☐ ☐
PAQUOLE A.H. ☐ ☐
BROCKMAN D.A. ☐ ☐
BUTLER R.A. ☐ ☐
CANNODE G.R. ☐ ☐
HARTMAN J.K. ☐ ☐
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ANDERSON W. ☐ ☐
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RAMPE J. ☐ ☐
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REECE R. ☐ ☐
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SLAN J. ☐ ☐
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STATE OF COLORADO

COLORADO DEPARTMENT OF HEALTH

Dedicated to protecting and improving the health and environment of the people of Colorado

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January 26 1994

Mr Richard J Schassburger
U S Department of Energy
Rocky Flats Office Bldg 116
P O Box 928
Golden Colorado 80402 0928

RE Development of Remedial Action Objectives 881 Hillside Area (OU 1)
Memorandum No 10 Final September 1993

Dear Mr Schassburger

The Colorado Department of Health Hazardous Materials and Waste Management (the Division) has reviewed the above referenced document submitted by prime operating contractor EG&G. The Division's comments are attached.

The Division generally agrees with the stated remedial action objective however results from the final RFI/RI Baseline Risk Assessment must be incorporated into the final RAOs. The risk based PRG discussion does not contain information to evaluate the reported values.

The Division is withholding approval of Technical Memorandum 10 (TM 10) until additional information as cited in the attached comments is provided.

If you have any questions regarding these matters please call Jeff Swaen staff at 692 3416.

Sincerely

Gary W Baughman
Gary W Baughman, Chief
Facilities Section
Hazardous Waste Control Program

cc Martin Hestmark EPA
Jen Pepe DOE
Tim Reeves DOE
Zeke Hauk EG&G
Jackie Berardini CDH OE
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ADMIN RECORD

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January 26 1993

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Golden Colorado 80402 0928

RE Development of Remedial Action Objectives 881 Hillside Area (OU 1) Technical Memorandum No 10 Final September 1993

Dear Mr Schassburger

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The Division generally agrees with the stated remedial action objectives (RAOs) however results from the final RFI/RI Baseline Risk Assessment must be incorporated into the final RAOs The risk based PRG discussion does not contain enough information to evaluate the reported values

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If you have any questions regarding these matters please call Jeff Swanson of my staff at 692 3416

Sincerely

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Hazardous Waste Control Program

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Jen Pepe DOE
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Colorado Department of Health
Hazardous Materials and Waste Management Division

Technical Memorandum No 10 Development of Remedial Action Objectives
Operable Unit 1 881 Hillside Area

Comments

Table 2.1 Contaminants of Concern by Media This Table limited the list of OU 1 contaminants to only those that were quantitatively evaluated in the Baseline Risk Assessment (BRA). Many OU 1 contaminants were dropped from evaluation in the BRA because either toxicity values are not available or a toxicity screen showed they did not drive risk. However, many of these contaminants have potential chemical specific ARARs. It is imperative to the development of RAOs that an accurate and complete list of OU 1 contaminants and media of interest be utilized. Therefore, the Division requires that DOE include all contaminants identified in the RFI/RI Report in Table 2.1.

Table 2.2 Potential Exposure Routes and Pathways This Table is limited to Predominant Exposure Pathways and Contaminants. The Division requests clarification of Predominant as it is being applied in this summary table.

Remedial Action Objectives The Division is uncertain what DOE means by the term point of departure in the statement of Remedial Action Objectives. The Division requests clarification of the term and application of the term point of departure as stated in the RAOs and the relationships between point of departure and the 1x10⁻⁶ to 1x10⁻⁵ risk range.

The Division does not agree that the remedial action objectives should be stated as risk ranges. Stating a RAO as a maximum risk range conveys that the actual goal is the upper bound on the risk range. It is the Division's position that the initial goals for RAOs be set at the 1x10⁻⁶ risk level.

Section 2.4.1 Potential ARARs The document explains that although preliminary ARARs have been listed, the identification of ARARs will take place after the selection of alternatives in the FS. The Division agrees that the final selection of ARARs will take place after the selection of alternatives; however, since ARARs can actually influence the selection of remedial alternatives, we believe that a preliminary list of ARARs must be identified early and be as complete as possible in order to ensure that resources are not wasted exploring potentially useless alternatives.

1) Doctrine of Sovereign Immunity This paragraph makes no sense to us. Please explain, keeping in mind that CERCLA Section 120 (a)(1) requires that federal facilities comply with CERCLA in the same manner and to the same extent both procedurally and substantively (this includes ARARs) as any private facility.

2) State Groundwater Standards The Division disagrees with the facts and conclusions presented in this paragraph. The State does have an established funded permit program. But in any event, this fact is irrelevant to the determination of whether Colorado's Water Quality Standards are ARARs. These standards are applicable ARARs because they are legally enforceable and are generally applicable and therefore have been promulgated within the meaning of the NCP.

3) State Drinking Water Standards The Division agrees with the EPA that all State and Federal requirements which are applicable or relevant and appropriate must be identified as ARARs at this stage regardless of whether they are duplicative of or less stringent than their respective counterpart. This is particularly true here where State drinking water standards, unlike Federal Drinking water standards, are applicable ARARs (See #4 below).

Colorado Department of Health
Hazardous Materials and Waste Management Division

Technical Memorandum No 10 Development of Remedial Action Objectives
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4) Federal Drinking Water Standards The Division agrees that federal MCLs and MCLGs may not be considered applicable ARARs but we disagree with DOE's explanation in support of this fact. The document explains the nature of the hydrology beneath OU 1 is such that use of this water as a future source of drinking water is unlikely due to its seasonal presence as described in the RFI/RI. This statement however is not substantiated by the RFI/RI Report and is therefore not relevant to the classification of ARARs. Federal MCLs may be relevant and appropriate as opposed to applicable because as the preamble to the National Contingency Plan (NCP) explains since MCLs are usually only legally applicable under the SDWA to the quality of drinking water at the tap there will be few instances in which MCLs are applicable to cleanup of groundwater at a Superfund site. (See discussion on section 300.430 (e)(2)(i)(B)). On the other hand State drinking water standards are applicable ARARs because compliance is not measured solely at the tap.

The Division would like to clarify that consistent with the NCP non zero MCLGs should be identified as relevant and appropriate ARARs when necessary. Only if the non zero MCLG is determined not to be relevant and appropriate does the MCL become a potential ARAR.

Page 13 Soil Specific Chemical Requirements The statement "soil specific chemical requirements under State and Federal laws do not exist" is a very broad statement that may or may not be true. The Division requests more information on the basis for this conclusion.

Table 2.3 Potential ARARs National Primary Drinking Water Standards This Table is incomplete and inaccurate. Values must be reported for all contaminants at the site not just those identified in the Baseline Risk Assessment as COCs. The correct MCL and MCLG standards for selenium are 0.05 (mg/L) not 0.5 as reported. Additionally all potential chemical specific ARARs for groundwater should be included in this Table not just the National Primary Drinking Water standards.

Page 19 Quantitation Limits The statement "actual sample quantitation limits have been historically much higher than the CRQLs presented in the tables" is perplexing. Actual quantitation limits are required by EPA under the contract laboratory program to be at or below the Contract Required Quantitation Limit (CRQL). If this is indeed the case then the Division recommends an immediate review of the analytical methodology being implemented. If current analytical methods are not meeting data quality requirements then the methods must be reviewed and updated. The Division does not consider inappropriate selection of analytical methodology by DOE a reason to modify remedial goals. The Division requests documentation of when and why DOE expects this to occur and what steps are being implemented to minimize its occurrence. This request should be addressed independent of Technical Memorandum No 10.

Page 19 Verification of PRG Achievement The Division requests clarification of the statement "It may be impossible to verify that PRGs have been achieved (after remedial action) using conventional analytical techniques." Specific examples of when the DOE does not expect to be able to verify achievement of PRGs, the conventional analytical techniques employed and what actions are being taken to improve on the techniques and minimize this situation should be included in this response.

Colorado Department of Health
Hazardous Materials and Waste Management Division

Technical Memorandum No 10 Development of Remedial Action Objectives
Operable Unit 1 881 Hillside Area

Comments

Tables 2 5, 2 7, 2 8 Risk Based PRGs The Division requests the submittal of detailed information on how these PRGs were calculated. Without this information the Division can not comment on the appropriateness of the reported values. The Division is deferring judgement on these values pending review of this information. The Division further recommends that risk based PRGs be calculated for all COCs and scenarios not just those reported as greater than 1×10^{-6} risk or a hazard index of unity. This will insure that risk based PRGs are readily available for all contaminants if needed in the future.

ATTACHMENT I Potential ARARs

The list of ARARs identified in Attachment 1 is incomplete however in order for the State to further identify which potential ARARs are missing particularly for action specific and location specific ARARs this document needs to contain more information on OU 1 (e.g. an identification of historic places or wetlands a description of physical characteristics of the unit etc.)

- 1) Some potential ARARs are listed as follows including:
 - a secondary maximum contaminant levels 40 CFR Pt 136 (p 1)
 - b U.S. NRC Standards 10 CFR 20 subpart C (p 2)
 - c Colorado Water Quality Stds 5 CCR 1002 8 3 11 0 (p 4)
 - d Radioactive Material Stds 6 CCR 1007 1 1 (p 5)
 - e Colorado Water Quality Stds 6 CCR 1007 3 5 CCR 1002 8 (p 10)
 - f Soil Erosion Dust Blowing Act CRS 35 72 101 (p 17)

Please correct or explain

- 2) Some potential ARARs are missing from the action specific list including:
 - a Toxic Pollutant Effluent Stds 40 CFR 129
 - b various Colorado Water Quality Control Act requirements (e.g. 5 CCR 1002 8 sections 3 12 0 3 1 8 3 2 0)
 - c various Colorado Ambient Air Quality Standards (e.g. 5 CCR 1001 4 1001 4)
 - d Wetlands requirements (e.g. 40 CFR 6 Appendix A 40 CFR Pt 230)
 - e Land Disposal Restrictions 6 CCR 1007 3 Pt 268
 - f Air Pollution Control Reg 5 CCR 1001 9

Please correct or explain

- 3) Why is Colorado Ambient Air Quality Standard 5 CCR 1001 14 (page 5) not considered a potential ARAR?
- 4) Why are Guidelines for land Disposal of Solid Waste 40 CFR Pt 21 not considered potential ARAR?
- 5) Why is criteria for Municipal Solid Waste Landfills 40 CFR Pt 258 (page 9) not considered a potential ARAR?
- 6) Please note that ARARs can be both action specific and chemical-specific therefore the derived alpha activity limit for disposal of materials in soils 6 CCR 1007 1 4 19 can be an action specific ARAR. See p 15. For this same reason the Land Disposal Restrictions 6 CCR 1007 3 Pt 268 and 40 CFR Pt 268 are both chemical- and action-specific ARARs.